

Appin. No. 10/643,406

Attorney Docket No. 10541-1850

## II. Remarks

Claims 1-11 stand rejected. Claim 1 is being amended. Accordingly, after entering this amendment, claims 1-11 remain pending.

As amended, claim 1 is directed to a header with a planar base portion and a pair of step portions. Each step portion extends laterally at an angle between about 15 and 75 degrees as a straight segment from the plane of the base portion. The header is provided with a plurality of substantially parallel slots spaced apart along the length of the header. Each slot has an elongate section extending across the width of the base portion and end sections extending from the elongate section into the step portions of the header. Further, each slot engages with a single tube such that the header structurally supports the tube.

### *Claim Rejections - 35 U.S.C. §102*

Claims 1, 2 and 7-11 have been rejected under 35 U.S.C. 102(a) as being anticipated by JP 2003-114094 to Yoshida et al. (Yoshida). Claims 1, 2 and 7-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,216,776 to Kobayashi et al. (Kobayashi). And claims 1, 2 and 7-11 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0050540 to Kato et al. (Kato) and U.S. Patent No. 6,830,100 to Gowan et al. (Gowan). Further, in the Office Action mailed November 25, 2005, claims 1, 2 and 7-11 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,730,470 to Modine (Modine

BRINKS  
HOFER  
GILSON  
& LIONE

BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599

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'470), U.S. Patent No. 1,893,521 to Modine (Modine '521), and U.S. Patent No. 5,797,448 to Hughes et al. (Hughes).

Regarding the two Modine patents (Modine '470 and '521) and the Hughes patent, the features that the Examiner refers to are fins. The primary purpose of these fins is to agitate the air through the heat exchanger to provide heat transfer from the heat exchanger. Applicant's invention, on the other hand, is a header with a plurality of slots that engage with respective tubes so that the header provides structural support to the tubes.

Regarding Kobayashi, Yoshida, Kato, and Gowan, the Examiner acknowledges that each of these references discusses a header with step portions that extend as curved segments. As such, none of these references discusses a header with step portions that extend laterally at an angle between about 15 and 75 degrees as a straight segment from the plane of a base portion, as now recited in amended claim 1.

Hence, none of the cited references alone teaches each and every element of amended claim 1. Accordingly, reconsideration of the rejections under 35 U.S.C. § 102 and allowance of claim 1 is respectfully requested. Further, since claims 2 and 7-11 depend from amended claim 1, directly or indirectly, the reasons for allowance of claim 1 apply as well to the dependent claims.



BRINKS HOFER GILSON & LIONE  
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*Claim Rejections - 35 U.S.C. §103(a)*

Claims 3-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Taisuke (Yoshida), Kobayashi, Ryan, Kato, or Gowan.

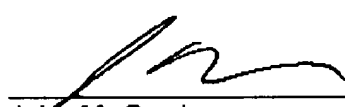
Since claims 3-6 depend from claim 1, directly or indirectly, and, as mentioned above, none of the references (Yoshida, Kobayashi, Ryan, Kato, or Gowan) teaches all the features of amended claim 1, the reasons for allowance of claim 1 apply as well to claims 3-6.

Accordingly, reconsideration of the rejections under 35 U.S.C. § 103 and allowance of claims 3-6 is respectfully requested.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims (claims 1-11) are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: Apr. 7 20, 2006  
John M. Card  
Reg. No.: 48,423  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(734) 302-6000



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599